

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 23-3758

William Couser; Summit Carbon Solutions, LLC

Plaintiffs - Appellees

v.

Shelby County, Iowa; Shelby County Board of Supervisors; Steve Kenkel, in his official capacity as a Shelby County Supervisor; Charles Parkhurst, in his official capacity as a Shelby County Supervisor; Darin Haake, in his official capacity as a Shelby County Supervisor

Defendants - Appellants

Iowa Farmers Union; Seven Iowa Landowners; Iowa Farm Bureau Federation; Pipeline Safety Trust

Amici on Behalf of Appellant(s)

American Petroleum Institute; Liquid Energy Pipeline Association

Amici on Behalf of Appellee(s)

No: 23-3760

William Couser; Summit Carbon Solutions, LLC

Plaintiffs - Appellees

v.

Story County, Iowa; Story County, Board of Supervisors; Latidah Faisal, in her official capacity as Story County Supervisor; Linda Murken, in her official capacity as Story County Supervisor; Lisa Heddens, in her official capacity as Story County Supervisor

Defendants - Appellants

Iowa Farmers Union; Seven Iowa Landowners; Iowa Farm Bureau Federation; Pipeline Safety Trust

Amici on Behalf of Appellant(s)

American Petroleum Institute; Liquid Energy Pipeline Association

Amici on Behalf of Appellee(s)

Appeal from U.S. District Court for the Southern District of Iowa - Central
(1:22-cv-00020-SMR)
(4:22-cv-00383-SMR)

JUDGMENT

Before COLLOTON, Chief Judge, BENTON, and KELLY, Circuit Judges.

This appeal from the United States District Court was submitted on the record of the district court, briefs of the parties and was argued by counsel.

After consideration, it is hereby ordered and adjudged that the judgment of the district court in 23-3758 is affirmed, and the judgment in 23-3760 is affirmed but vacated and remanded for modification to the extent it addresses Ordinance 360, in accordance with the opinion of this Court.

June 05, 2025

Order Entered in Accordance with Opinion:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler